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REMARKS

Claims 1 to 28 are pending in this application. Claims 1, 17, 23 and 26 are the independent claims. Favorable reconsideration and further examination are respectfully requested.

Initially, Applicants thank the Examiner for conducting an interview on Friday, February 1, 2008. During the teleconference, the Examiner agreed that the Koblenz reference did not disclose processing assembler code to avoid a register bank allocation error. The Examiner indicated that the next office action will be a non-final office action because the Examiner was aware of prior art that was not on the record.

Applicants acknowledge the Examiner's indication that claims 15 and 16 would be allowable if rewritten in independent form including the base claim and any intervening claims.

Claims 1 to 14 and 17 to 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by Koblenz et al. (U.S. Patent Number 5,530,866 hereinafter "Koblenz").

Claim 1 is directed to a method of allocating registers in an assembler. The method includes processing assembler code to avoid a register bank allocation error including at least one of a register bank conflict and an insufficient number of physical registers in target hardware and automatically manipulating instructions to avoid the register bank allocation error.

The applied art is not understood to disclose or to suggest the foregoing features of claim 1. In particular, Koblenz does not disclose or suggest processing assembler code to avoid a register bank allocation error. Rather, Koblenz discloses allocating physical registers within a

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compiler phase (See Abstract of Koblenz). Applicants submit that Koblenz does not disclose or suggest that within a compiler phase assembly code is being processed. Koblenz does not disclose or suggest processing assembler code to avoid a register bank allocation error.

Claims 17, 23 and 26 have corresponding features to claim 1. Applicants submit that the Koblenz reference should also be withdrawn with respect to claims 17, 23 and 26 for at least the same reasons as claim 1.

Applicants also submit that claim 6 is further distinguished from the prior art because Koblenz does not disclose or suggest finding the shortest path having an odd length connecting the registers adjacent to each other having the same color. Applicants respectfully point out that the Examiner has directed Applicants to Column 13, lines 45 to 62 of Koblenz (see page 3 of the Office Action); however, Koblenz, in this cited passage or any other portion of the reference, does not disclose or suggest finding the shortest path having an odd length much less finding the shortest path having an odd length connecting the registers adjacent to each other having the same color. On the other hand, Applicants have described finding the shortest path having an odd length (see, for example, page 11, line 19 to page 13, line 14 of Applicants' specification).

For at least the foregoing reasons, Applicants request withdrawal of the art rejection.

Applicants submit that all dependent claims now depend on allowable independent claims.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for withdrawing the prior art cited with regards to

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any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicants submit that the entire application is now in condition for allowance. Such action is respectfully requested at the Examiner's earliest convenience.

Applicants' attorney can be reached by telephone at (781) 401-9988 ext. 123.

No fee is believed to be due for this Response; however, if any fees are due, please apply such fees to Deposit Account No. 50-0845 referencing Attorney Docket: INTEL-023PUS.

Respectfully submitted,

Date: February 8, 2008

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